

Frank Phillips

March 31, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO §
ENTERO, ET AL., §

PLAINTIFFS, §

V. §

STATE OF TEXAS, ET §
AL., §

DEFENDANTS. §

CIVIL ACTION NO.5:21-CV-844 (XR)
(CONSOLIDATED CASES)

ORAL DEPOSITION OF

FRANK PHILLIPS

MARCH 31, 2023

ORAL DEPOSITION OF FRANK PHILLIPS, PRODUCED AS A
WITNESS AT THE INSTANCE OF THE PLAINTIFF, AND DULY
SWORN, WAS TAKEN IN THE ABOVE-STYLED AND -NUMBERED CAUSE
ON THE 31ST DAY OF MARCH, 2023, FROM 9:14 A.M. TO
12:40 P.M., BEFORE KAREN A. GONZALEZ, COMMISSIONED
NOTARY, IN AND FOR THE STATE OF TEXAS, REPORTED BY
MACHINE SHORTHAND, FROM DALLAS COUNTY, TEXAS, PURSUANT
TO THE TEXAS RULES OF CIVIL PROCEDURE, THE TEXAS SUPREME
COURT EMERGENCY ORDER REGARDING THE COVID-19 STATE OF
DISASTER AND THE PROVISIONS STATED ON THE RECORD OR
ATTACHED HERETO.

Frank Phillips

March 31, 2023
Pages 2 to 5

Page 2	Page 4
<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 MS. JENNIFER YUN</p> <p>5 ATTORNEYS, VOTING SECTION</p> <p>6 CIVIL RIGHTS DIVISION</p> <p>7 U.S. DEPARTMENT OF JUSTICE</p> <p>8 950 PENNSYLVANIA AVENUE NW</p> <p>9 WASHINGTON, D.C. 20530</p> <p>10 TELEPHONE: (202) 307-2767</p> <p>11 E-MAIL: JENNIFER.YUN@USDOJ.GOV</p> <p>12</p> <p>13 MR. WILLIAM D'ANGELO (VIA ZOOM)</p> <p>14 ARENTFOX SCHIFF</p> <p>15 555 WEST FIFTH STREET</p> <p>16 48TH FLOOR LOS ANGELES</p> <p>17 CALIFORNIA 90013</p> <p>18 TELEPHONE: (213) 443-7667</p> <p>19 E-MAIL: WILLIAM.DANGELO@AFSLAW.COM</p> <p>20</p> <p>21 FOR THE DEFENDANTS:</p> <p>22 MS. KATHLEEN HUNKER</p> <p>23 OFFICE OF THE ATTORNEY GENERAL FOR THE STATE OF TEXAS</p> <p>24 P.O. BOX 12548 (MC-009)</p> <p>25 AUSTIN, TEXAS 78711,</p> <p>TELEPHONE: (512) 463-2100</p> <p>E-MAIL: KATHLEEN.HUNKER@OAG.TEXAS.GOV</p> <p>INTERVENOR DEFENDANTS:</p> <p>MR. STEPHEN J. KENNY (VIA ZOOM)</p> <p>JONES DAY</p> <p>51 LOUISIANA AVENUE N.W.</p> <p>WASHINGTON, D.C. 20001</p> <p>TELEPHONE: (202) 879-3939</p> <p>E-MAIL: SKENNY@JONESDAY.COM</p>	<p>1 REPORTED FROM DALLAS COUNTY, TEXAS</p> <p>2 P R O C E E D I N G S</p> <p>3</p> <p>4</p> <p>5 THE REPORTER: WE ARE NOW ON THE RECORD.</p> <p>6 TODAY IS MARCH 31ST, 2023. THE TIME IS NOW 9:14 A.M.</p> <p>7 CENTRAL STANDARD TIME.</p> <p>8 WE ARE HERE TO TAKE MR. FRANK PHILLIPS'S</p> <p>9 DEPOSITION IN THE MATTER LA UNIÓN DEL PUEBLO ENTERO, ET</p> <p>10 AL., PLAINTIFFS, VS. STATE OF TEXAS, ET AL., DEFENDANTS.</p> <p>11 WE ARE CURRENTLY LOCATED AT 2001 BEACH</p> <p>12 STREET, SUITE 700, FORT WORTH, TEXAS, 76103.</p> <p>13 AT THIS TIME, WILL COUNSEL STATE YOUR</p> <p>14 APPEARANCE FOR THE RECORD, PLEASE.</p> <p>15 MS. YUN: JENNIFER YUN FROM THE DEPARTMENT</p> <p>16 OF JUSTICE.</p> <p>17 MS. HUNKER: KATHLEEN HUNKER WITH THE OFFICE</p> <p>18 OF THE TEXAS ATTORNEY GENERAL REPRESENTING STATE</p> <p>19 DEFENDANTS AND INDIVIDUAL EX-LEADERS.</p> <p>20 MR. D'ANGELO: WILLIAM D'ANGELO FROM</p> <p>21 ARENTFOX SCHIFF REPRESENTING -- CO-COUNSEL FOR THE</p> <p>22 PLAINTIFFS.</p> <p>23 THE REPORTER: ANYBODY ELSE FROM ZOOM?</p> <p>24 MR. KENNY: STEPHEN KENNY, JONES DAY,</p> <p>25 REPRESENTING THE INTERVENOR DEFENDANTS.</p>
Page 3	Page 5
<p>1 I N D E X</p> <p>2</p> <p>3 APPEARANCES. 2</p> <p>4 SWORN STATEMENT OF FRANK PHILLIPS</p> <p>5 EXAMINATION BY MS. YUN. 5</p> <p>6 EXAMINATION BY MS. HUNKER 96</p> <p>7 FURTHER EXAMINATION BY MS. YUN. 107</p> <p>8 FURTHER EXAMINATION BY MS. HUNKER 113</p> <p>9 CHANGES AND SIGNATURE. 116</p> <p>10 JURAT. 117</p> <p>11 REPORTER'S CERTIFICATE 118</p> <p>12</p> <p>13</p> <p>14 E X H I B I T S</p> <p>15</p> <p>16 NO. DESCRIPTION PAGE</p> <p>17 1 WFAA ARTICLE 18</p> <p>18 2 DENTON RECORD-CHRONICLE ARTICLE 5/7/21 . . . 26</p> <p>19 3 DENTON COUNTY VOTER REGISTRATION FIGURES . . 32</p> <p>20 4 TARRANT COUNTY VOTER REGISTRATION FIGURES. . 34</p> <p>21 5 WFAA ARTICLE ON MAIL-IN VOTING 36</p> <p>22 6 SPREADSHEET MARCH 2022 PRIMARY ELECTION MAIL BALLOT</p> <p>23 REJECTION 45</p> <p>24 7 E-MAIL CHAIN DATED 4/1/22. 56</p> <p>25 8 ABBM FORM. 95</p> <p>9 CARRIER ENVELOPE 95</p>	<p>1 THE REPORTER: THANK YOU.</p> <p>2 MR. FRANK PHILLIPS, IF YOU COULD PLEASE</p> <p>3 RAISE YOUR RIGHT HAND.</p> <p>4 THE WITNESS: I DO.</p> <p>5 FRANK PHILLIPS,</p> <p>6 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED</p> <p>7 AND TESTIFIED AS FOLLOWS:</p> <p>8 EXAMINATION</p> <p>9 BY MS. YUN:</p> <p>10 Q. GOOD MORNING, MR. PHILLIPS.</p> <p>11 A. GOOD MORNING.</p> <p>12 Q. WE MET ALREADY, BUT I'M JENNIFER YUN FROM THE</p> <p>13 U.S. DEPARTMENT OF JUSTICE.</p> <p>14 A. OKAY.</p> <p>15 Q. THANK YOU FOR JOINING US THIS MORNING.</p> <p>16 A. SURE.</p> <p>17 Q. COULD YOU PLEASE STATE YOUR NAME FOR THE RECORD?</p> <p>18 A. FRANK PHILLIPS.</p> <p>19 Q. BEFORE WE DO ANYTHING ELSE, I WANT TO MAKE SURE</p> <p>20 WE HAVE A SMOOTH DEPOSITION.</p> <p>21 ARE YOU -- HAVE YOU EVER BEEN DEPOSED BEFORE?</p> <p>22 A. I HAVE NOT.</p> <p>23 Q. SO HERE'S SOME GROUND RULES TO HELP US THROUGHOUT</p> <p>24 THE DEPOSITION. SO FIRST THIS WORKS BEST FOR THE COURT</p> <p>25 REPORTER IF YOU WAIT TO START YOUR ANSWER UNTIL I</p>

Frank Phillips

March 31, 2023
Pages 6 to 9

<p style="text-align: right;">Page 6</p> <p>1 COMPLETELY FINISH MY QUESTION.</p> <p>2 IS THAT OKAY WITH YOU?</p> <p>3 A. SURE.</p> <p>4 Q. AND THE COURT REPORTER CANNOT INDICATE ANY HEAD</p> <p>5 NODS OR OTHER GESTURES OR UMMM, YOU KNOW, SOUNDS, SO --</p> <p>6 SO EVERY ANSWER NEEDS TO BE VERBAL.</p> <p>7 IS THAT OKAY WITH YOU?</p> <p>8 A. YES.</p> <p>9 Q. ARE YOU BEING REPRESENTED BY AN ATTORNEY TODAY?</p> <p>10 MS. HUNKER: I'M REPRESENTING THE STATE</p> <p>11 DEFENDANTS. MR. PHILIPS DOES NOT HAVE A SPECIFIC</p> <p>12 ATTORNEY WITH HIM TODAY.</p> <p>13 A. CORRECT.</p> <p>14 Q. (BY MS. YUN) OKAY. MS. HUNKER MAY STILL OBJECT</p> <p>15 TO A QUESTION, AND AS WOULD -- AS CAN ANY OTHER</p> <p>16 ATTORNEYS ON THE -- ON ZOOM. BUT YOU SHOULD STILL</p> <p>17 ANSWER THE QUESTION UNLESS THERE'S ANY SPECIFIC</p> <p>18 INSTRUCTION NOT TO.</p> <p>19 A. OKAY.</p> <p>20 Q. IF YOU DON'T UNDERSTAND A QUESTION OR NEED ANY</p> <p>21 CLARIFICATION, COULD YOU PLEASE SAY SO?</p> <p>22 A. YES.</p> <p>23 Q. ON THE OTHER HAND, IF YOU ASK -- ANSWER WITHOUT</p> <p>24 ASKING FOR CLARIFICATION, I'LL ASSUME THAT YOU</p> <p>25 UNDERSTOOD MY QUESTION.</p>	<p style="text-align: right;">Page 8</p> <p>1 DO YOU HAVE ANY QUESTIONS?</p> <p>2 A. NO, MA'AM.</p> <p>3 Q. I WILL START WITH SOME BASIC BACKGROUND</p> <p>4 QUESTIONS.</p> <p>5 WHERE DO YOU WORK?</p> <p>6 A. I WORK FOR DENTON COUNTY AS THE DENTON COUNTY</p> <p>7 ELECTIONS ADMINISTRATOR.</p> <p>8 Q. COULD YOU EXPLAIN WHAT YOUR POSITION ENTAILS?</p> <p>9 A. YES. THE GENERAL OVERSIGHT OF ALL OF THE</p> <p>10 ELECTIONS IN DENTON COUNTY AND VOTER REGISTRATION IN</p> <p>11 GENERAL.</p> <p>12 Q. WHO DO YOU REPORT TO?</p> <p>13 A. THAT'S A LITTLE COMPLICATED IN TEXAS. I AM HIRED</p> <p>14 BY AN ELECTION COMMISSION. AND THEN IN MY DAY-TO-DAY</p> <p>15 ACTIVITY, I REPORT TO THE COUNTY JUDGE OF DENTON COUNTY.</p> <p>16 Q. AND IS THE COUNTY COMMISSION -- THE ELECTIONS</p> <p>17 COMMISSION, IS THAT A -- WHO MAKES UP THAT COMMISSION?</p> <p>18 A. THE ELECTION COMMISSION IS MADE UP OF THE COUNTY</p> <p>19 JUDGE, THE TAX ASSESSOR/COLLECTOR, COUNTY CLERK, THE</p> <p>20 REPUBLICAN PARTY CHAIR OF DENTON COUNTY, AND THE</p> <p>21 DEMOCRATIC PARTY CHAIR OF DENTON COUNTY.</p> <p>22 Q. HOW LONG HAVE YOU BEEN IN YOUR CURRENT POSITION?</p> <p>23 A. I INITIALLY BECAME THE ELECTION ADMINISTRATOR IN</p> <p>24 DENTON COUNTY IN 2009. I LEFT IN 2014 AND BECAME THE</p> <p>25 ELECTION ADMINISTRATOR IN TARRANT COUNTY. AND THEN IN</p>
<p style="text-align: right;">Page 7</p> <p>1 IS THAT FAIR?</p> <p>2 A. YES.</p> <p>3 Q. IS THERE ANY REASON YOUR MEMORY OR ABILITY TO</p> <p>4 ANSWER QUESTIONS WOULD BE IMPAIRED TODAY?</p> <p>5 A. NO.</p> <p>6 Q. IS THERE ANY REASON YOUR ABILITY TO EFFECTIVELY</p> <p>7 COMMUNICATE YOUR ANSWERS WILL BE IMPAIRED TODAY?</p> <p>8 A. NO.</p> <p>9 Q. HAVE YOU CONSUMED ANY PRESCRIPTION MEDICATION,</p> <p>10 DRUGS, ALCOHOL, OR SUFFERED ANY CONDITION OR INJURY THAT</p> <p>11 MAY PREVENT YOU FROM TESTIFYING TRUTHFULLY AND</p> <p>12 ACCURATELY TODAY?</p> <p>13 A. NO.</p> <p>14 Q. I WANT TO REMIND YOU THAT YOU'RE UNDER OATH AND</p> <p>15 SUBJECT TO PENALTIES FOR GIVING FALSE OR MISLEADING</p> <p>16 TESTIMONY. SO THAT -- SO IT'S IMPORTANT THAT YOU ANSWER</p> <p>17 MY QUESTIONS TRUTHFULLY AND ACCURATELY AND COMPLETELY.</p> <p>18 IS THAT FAIR?</p> <p>19 A. YES.</p> <p>20 Q. AND FINALLY, IF YOU NEED A BREAK, JUST LET ME</p> <p>21 KNOW AND WE CAN TAKE ONE. HOWEVER, I WILL ASK THAT YOU</p> <p>22 ANSWER ANY PENDING QUESTION BEFORE WE TAKE A BREAK.</p> <p>23 IS THAT OKAY?</p> <p>24 A. YES.</p> <p>25 Q. GREAT.</p>	<p style="text-align: right;">Page 9</p> <p>1 2016, I LEFT AND CAME BACK TO DENTON COUNTY AND I'VE</p> <p>2 BEEN THERE SINCE.</p> <p>3 Q. AND DID YOU HOLD ANY OTHER POSITION WITHIN THE</p> <p>4 DENTON COUNTY ELECTIONS OFFICE PRIOR TO 2009?</p> <p>5 A. NO.</p> <p>6 Q. WHAT DID YOU DO BEFORE YOU JOINED THE DENTON</p> <p>7 COUNTY ELECTIONS OFFICE IN 2009?</p> <p>8 A. I WAS THE DIRECTOR OF ADMINISTRATION FOR OUR</p> <p>9 COUNTY JUDGE, AND I HAD BEEN IN THAT POSITION SINCE</p> <p>10 2003.</p> <p>11 Q. AND DID THAT POSITION ENTAIL ANY ELECTION-RELATED</p> <p>12 DUTIES?</p> <p>13 A. NOT DIRECTLY. THE ONLY THING EVEN REMOTELY</p> <p>14 CONNECTED WAS ANYTHING THAT WENT ON COMMISSIONERS COURT,</p> <p>15 EVEN IF IT WAS THEIR AGENDA, EVEN IF IT WAS</p> <p>16 ELECTION-RELATED HAD TO GO THROUGH ME TO GET ON THE</p> <p>17 AGENDA, AN ADMINISTRATIVE FUNCTION, SORRY.</p> <p>18 Q. RIGHT. SO EVERYTHING HAD TO GO THROUGH YOU IN</p> <p>19 ORDER TO GET ON THAT AGENDA.</p> <p>20 A. CORRECT.</p> <p>21 Q. INCLUDING ELECTION-RELATED FUNCTIONS.</p> <p>22 A. CORRECT.</p> <p>23 Q. AND WHAT DID YOU DO BEFORE 2003?</p> <p>24 A. I WAS -- IMMEDIATELY BEFORE THAT, I WAS -- HAD A</p> <p>25 CONTRACT POSITION THROUGH THE STATE DEPARTMENT WITH</p>

Frank Phillips

March 31, 2023
Pages 46 to 49

<p style="text-align: right;">Page 46</p> <p>1 Q. -- PRIMARY TAB. SO -- AND FOR DENTON IT'S</p> <p>2 SHOWING 10.91 PERCENT.</p> <p>3 A. THAT SOUNDS CORRECT.</p> <p>4 Q. OKAY. AND DID YOU HEAR FROM VOTERS ABOUT THE ID</p> <p>5 NUMBER REQUIREMENT IN -- DURING THAT MARCH 2022 PRIMARY</p> <p>6 SEASON?</p> <p>7 A. WE DID, YES.</p> <p>8 Q. AND WHAT DID YOU HEAR?</p> <p>9 A. MOST -- WELL, I GUESS -- IT WAS A COMBINATION OF</p> <p>10 THINGS. MOST -- WELL, THE ONES WE HEARD FROM WERE THE</p> <p>11 ONES THAT WEREN'T HAPPY ABOUT IT. THEY EITHER HAD AN</p> <p>12 APPLICATION REJECTED OR HAD A CARRIER ENVELOPE THAT CAME</p> <p>13 IN AND IT HAD TO BE CURED. AND THEY JUST WEREN'T HAPPY</p> <p>14 THAT THEY GOT REJECTED OR HAD TO CURE IT FOR WHATEVER</p> <p>15 THE REASON WAS. I MEAN, THAT'S THE GENERAL NATURE OF</p> <p>16 IT.</p> <p>17 Q. AND LET'S TALK ABOUT THE NOVEMBER 2022 GENERAL</p> <p>18 ELECTION.</p> <p>19 A. OKAY.</p> <p>20 Q. HOW DID THE ID NUMBER REQUIREMENT AFFECT YOUR</p> <p>21 OFFICE?</p> <p>22 A. NOT NEARLY LIKE IT INITIALLY DID. I MEAN, PEOPLE</p> <p>23 HAD BECOME -- VOTERS HAD BECOME USED TO IT. IT WAS KIND</p> <p>24 OF NORMAL NOW. OUR EARLY VOTING BALLOT BOARD, THE</p> <p>25 PROCESS HAD BECOME NORMAL. SO NOT -- NOWHERE NEAR THE</p>	<p style="text-align: right;">Page 48</p> <p>1 ELECTION COMPARED TO OTHER SIMILARLY SITUATED ELECTIONS?</p> <p>2 A. I BELIEVE MAIL BALLOTS HAVE INCREASED SINCE -- I</p> <p>3 MEAN, THEY'VE STEADILY INCREASED OVER THE YEARS SINCE</p> <p>4 LIVE ELECTION.</p> <p>5 Q. OKAY. SO IT IS YOUR RECOLLECTION OR TESTIMONY</p> <p>6 THAT SINCE 2018, THE NUMBER HAS -- THE NUMBER OF MAIL</p> <p>7 BALLOTS HAS INCREASED COMPARED TO 2022?</p> <p>8 A. I BELIEVE THAT'S THE CASE.</p> <p>9 Q. SO I'M GOING TO ASK A SERIES OF QUESTIONS ABOUT</p> <p>10 ANY SPECIFIC ISSUES WITH THE ID NUMBER REQUIREMENTS THAT</p> <p>11 VOTERS MAY HAVE HAD IN 2022.</p> <p>12 SO DID ANY DENTON COUNTY VOTERS HAVE ISSUES OF</p> <p>13 FORGETTING TO PUT ANY ID NUMBER ON THEIR MAIL BALLOT</p> <p>14 MATERIALS?</p> <p>15 A. YES.</p> <p>16 Q. PROVIDING THE VU ID INSTEAD OF A STATE ID NUMBER</p> <p>17 OR THE LAST FOUR DIGITS OF THEIR SOCIAL?</p> <p>18 A. YES.</p> <p>19 Q. PROVIDING AN ID NUMBER THAT IS NOT ASSOCIATED</p> <p>20 WITH THEIR VOTER REGISTRATION RECORD?</p> <p>21 A. YES.</p> <p>22 Q. DID YOUR OFFICE EVER ENCOUNTER ANY VOTERS WHO --</p> <p>23 WITH NO ID NUMBER IN THEIR VOTER REGISTRATION RECORD?</p> <p>24 A. I -- I'M NOT SURE THE ANSWER TO THAT. I'D BE A</p> <p>25 LITTLE SURPRISED IF WE DID. I MEAN, WE HAVE TO HAVE ONE</p>
<p style="text-align: right;">Page 47</p> <p>1 LEVEL THAT IT HIT INITIALLY.</p> <p>2 Q. WOULD YOU SAY THAT -- IN YOUR EXPERIENCE, THAT</p> <p>3 THE NOVEMBER GENERAL ELECTION GENERALLY HAS A MUCH</p> <p>4 HIGHER TURNOUT THAN THE MARCH PRIMARY?</p> <p>5 A. OH, ABSOLUTELY, YES.</p> <p>6 Q. SO THERE WEREN'T A LOT OF VOTERS WHO VOTED BY</p> <p>7 MAIL FOR THE FIRST TIME SINCE SB 1 WENT INTO EFFECT?</p> <p>8 A. THAT'S CORRECT.</p> <p>9 Q. AND HOW DID THAT PLAY OUT IN TERMS OF THE MAIL</p> <p>10 BALLOT REQUIREMENTS FOR ID NUMBERS?</p> <p>11 A. I -- I DON'T HAVE EXACT FIGURES MAINLY BECAUSE</p> <p>12 WE'VE -- IN THE PAST, WE'VE NEVER REALLY TRACKED THOSE</p> <p>13 RATES. BUT THEY -- IT'S PROBABLY SLIGHTLY HIGHER THAN</p> <p>14 IT WAS BEFORE SB 1. BUT IF IT IS, IT'S NOT MUCH. IT'S</p> <p>15 VIRTUALLY BACK TO WHAT I WOULD SAY IS NORMAL.</p> <p>16 Q. AND WHEN YOU SAY YOU GENERALLY HAVE NOT TRACKED</p> <p>17 THOSE NUMBERS, YOU MEAN THE REJECTION RATES.</p> <p>18 A. CORRECT.</p> <p>19 Q. DO YOU -- DOES YOUR OFFICE OR DO YOU KNOW -- DOES</p> <p>20 YOUR OFFICE -- STRIKE THAT.</p> <p>21 DOES YOUR OFFICE KEEP TRACK OF THE VOLUME OF</p> <p>22 MAIL-IN BALLOTS FOR EACH ELECTION?</p> <p>23 A. YES.</p> <p>24 Q. DO YOU KNOW WHETHER MAIL VOTING HAS INCREASED,</p> <p>25 DECREASED, STAYED ABOUT THE SAME FOR THE NOVEMBER 2022</p>	<p style="text-align: right;">Page 49</p> <p>1 OR THE OTHER. SO...</p> <p>2 Q. OKAY.</p> <p>3 A. YOU'RE TALKING ABOUT IN THE VOTER REGISTRATION</p> <p>4 RECORD.</p> <p>5 Q. CORRECT.</p> <p>6 A. YES.</p> <p>7 Q. YEAH. OKAY. DID YOUR OFFICE ENCOUNTER ANY TYPOS</p> <p>8 IN THE REGISTRATION RECORD?</p> <p>9 A. TYPOS ON THE COUNTY'S PART OR --</p> <p>10 Q. THE REGISTRATION RECORD REFLECTED, SAY, ONE DIGIT</p> <p>11 THAT WAS NOT CORRECT, IT TURNED OUT --</p> <p>12 A. YES. YES.</p> <p>13 Q. ANY INSTANCES WHERE VOTERS MISWROTE OR MISPRINTED</p> <p>14 ID NUMBERS ON THEIR ABBMS OR CARRIER ENVELOPES?</p> <p>15 A. YES.</p> <p>16 Q. WHAT TYPES OF OTHER ID NUMBER-RELATED ISSUES DID</p> <p>17 YOUR OFFICE ENCOUNTER, TO THE EXTENT THAT YOU REMEMBER?</p> <p>18 A. YEAH, I THINK YOU PRETTY MUCH COVERED THEM THERE.</p> <p>19 Q. OKAY.</p> <p>20 MS. YUN: I THINK WE MIGHT BE AT A GOOD</p> <p>21 PLACE TO TAKE A SHORT BREAK, IF THAT'S OKAY WITH YOU.</p> <p>22 THE REPORTER: THE TIME IS 10:34. WE ARE</p> <p>23 OFF THE RECORD.</p> <p>24 (OFF THE RECORD.)</p> <p>25 THE REPORTER: THE TIME IS NOW 10:45 A.M.</p>

Frank Phillips

March 31, 2023
Pages 74 to 77

<p style="text-align: right;">Page 74</p> <p>1 THE -- OF THE NEED TO IMPLEMENT THE ID REQUIREMENTS?</p> <p>2 A. OKAY. OKAY. THAT HELPS ME AND THAT JOGS MY</p> <p>3 MEMORY.</p> <p>4 Q. OKAY.</p> <p>5 A. OKAY. FORGET THOSE FOUR OR FIVE, BECAUSE THEY</p> <p>6 WERE REALLY ABOUT STUFFING ENVELOPES. I DO RECALL</p> <p>7 THAT -- WE NORMALLY HAVE, MY FULL-TIME EMPLOYEE, AND WE</p> <p>8 HAVE, I CALL HER OUR PERMANENT TEMP, 'CAUSE SHE COMES</p> <p>9 BACK EVERY ELECTION.</p> <p>10 Q. OKAY.</p> <p>11 A. HELPS WITH OUR MAIL BALLOT PROCESS.</p> <p>12 Q. GOT IT.</p> <p>13 A. AND SHE DID END UP HAVING TO GET A COUPLE OF</p> <p>14 EXTRA TEMPS TO HELP HER --</p> <p>15 Q. UH-HUH.</p> <p>16 A. -- JUST BECAUSE -- REALLY BECAUSE OF OUR INITIAL</p> <p>17 REJECTION RATES.</p> <p>18 Q. UH-HUH.</p> <p>19 A. SO I THINK IT WOULD BE FAIR TO SAY THAT WE NEEDED</p> <p>20 A COUPLE OF EXTRA PEOPLE AT FIRST, BUT THAT KIND OF</p> <p>21 GRADUALLY WENT AWAY WHERE WE DIDN'T NEED THEM --</p> <p>22 Q. OKAY.</p> <p>23 A. -- AS OUR REJECTION RATE FELL.</p> <p>24 Q. OKAY. AND THIS IS DURING THE PERIOD LEADING UP</p> <p>25 TO THE MARCH 2022 ELECTION?</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. OKAY.</p> <p>2 A. BUT I KNOW WE HAD -- THEY HAD TO HAVE AN EXTRA</p> <p>3 PERSON BECAUSE THE CURE PROCESS BROUGHT ABOUT NEW FORMS.</p> <p>4 Q. UH-HUH.</p> <p>5 A. YOU KNOW?</p> <p>6 Q. RIGHT.</p> <p>7 A. WE HAD TO NOW TRACK -- YOU'D HAVE TO SEPARATE</p> <p>8 YOUR BALLOTS. YOU'D HAVE TO KEEP THEM SEPARATED BY</p> <p>9 WHAT'S CURABLE, WHAT ISN'T, WHAT'S GOOD GOING THROUGH</p> <p>10 THE PROCESS. AND SO THEY DEDICATED A PERSON THAT TRACKS</p> <p>11 THOSE ON A SPREADSHEET WE CREATED.</p> <p>12 Q. OKAY.</p> <p>13 A. SO I KNOW AT A MINIMUM IT'S CAUSED AN EXTRA</p> <p>14 PERSON.</p> <p>15 Q. RIGHT.</p> <p>16 A. BUT I JUST HAVE A HARD TIME SAYING THAT, YEAH,</p> <p>17 THEY HIRED THREE EXTRA --</p> <p>18 Q. RIGHT.</p> <p>19 A. -- BECAUSE OF ANYTHING OUT OF SB 1. BUT I KNOW</p> <p>20 THERE'S AT LEAST ONE.</p> <p>21 Q. AND THAT WAS STARTING WITH THE MARCH PRIMARY?</p> <p>22 A. YES.</p> <p>23 Q. SO IT WOULD BE FAIR TO SAY THAT PROCESSING ABBMS</p> <p>24 AND CURE ENVELOPES TOOK LONGER WHEN -- AFTER SB 1 WAS</p> <p>25 IMPLEMENTED DUE TO THOSE NEW REQUIREMENTS?</p>
<p style="text-align: right;">Page 75</p> <p>1 A. THAT'S CORRECT.</p> <p>2 Q. OKAY. AND WHAT ABOUT FOR THE GENERAL ELECTION?</p> <p>3 DID YOU HIRE -- DID YOU HIRE THOSE COUPLE OF EXTRA</p> <p>4 TEMPORARY EMPLOYEES?</p> <p>5 A. I CAN'T HONESTLY SAY WE HIRED THEM BECAUSE OF</p> <p>6 SB 1, BECAUSE WE WOULD HAVE HIRED A LOT OF PEOPLE FOR</p> <p>7 THE GENERAL ANYWAY.</p> <p>8 Q. I SEE.</p> <p>9 A. SO I CAN'T IDENTIFY PEOPLE THAT I HIRED BECAUSE</p> <p>10 OF SB 1 IN THE GENERAL ELECTION.</p> <p>11 Q. OKAY. SO IN TERMS OF CALLING OR E-MAILING FOLKS</p> <p>12 IN ORDER TO NOTIFY THEM OF THEIR DEFECTS, THEIR ID</p> <p>13 NUMBER DEFECTS, SO THAT WAS BEING HANDLED BY FOLKS WHO</p> <p>14 WERE THERE TO PROCESS MAIL BALLOTS GENERALLY. THEY WERE</p> <p>15 NOT HIRED JUST FOR THAT PURPOSE.</p> <p>16 IS THAT A FAIR STATEMENT?</p> <p>17 A. PRIMARY OR GENERAL OR BOTH OR EITHER?</p> <p>18 Q. LET'S DO THE PRIMARY FIRST, AND THEN GENERAL.</p> <p>19 A. OKAY. SO I DO KNOW -- LET ME THINK ABOUT IT JUST</p> <p>20 A SECOND.</p> <p>21 Q. SURE. TAKE YOUR TIME.</p> <p>22 A. AND THE REASON I'M HESITATING ON THE ANSWER, I DO</p> <p>23 KNOW FROM OUR LAST ELECTION IN 2018 COMPARED TO 2022,</p> <p>24 OUR EARLY VOTE BALLOT BOARD COSTS INCREASED</p> <p>25 SIGNIFICANTLY. I MEAN, FROM, I'M GUESSING, 25 PERCENT.</p>	<p style="text-align: right;">Page 77</p> <p>1 MS. HUNKER: OBJECTION; FORM.</p> <p>2 A. IT DID TAKE LONGER, YES.</p> <p>3 Q. (BY MS. YUN) AND THAT PERSON WHO WAS KEEPING</p> <p>4 TRACK OF THE MAIL BALLOT MATERIALS GOING THROUGH THE</p> <p>5 PROCESS ON A SPREADSHEET, DID THAT PERSON COME WITH THE</p> <p>6 NOVEMBER GENERAL ELECTION?</p> <p>7 A. YES. YES, SHE DID.</p> <p>8 Q. AND DID YOUR OFFICE'S STAFFING NEEDS FOR MAIL</p> <p>9 BALLOT PROCESSING IN THE NOVEMBER ELECTION DIFFER FROM</p> <p>10 ELECTION -- SIMILAR PAST ELECTIONS?</p> <p>11 A. TO SOME DEGREE, YES.</p> <p>12 Q. UH-HUH.</p> <p>13 A. BUT I CAN'T SAY THAT'S ALL CONTRIBUTABLE TO</p> <p>14 SB 1 --</p> <p>15 Q. UH-HUH.</p> <p>16 A. -- BECAUSE DENTON COUNTY IS ONE OF THE</p> <p>17 FASTEST-GROWING COUNTIES IN THE STATE OF TEXAS.</p> <p>18 Q. UH-HUH.</p> <p>19 A. I MEAN, WE HAD -- FROM 2018 TO 2022, WE HAD</p> <p>20 ALMOST AN EXTRA 100,000 REGISTERED VOTERS.</p> <p>21 Q. YEAH.</p> <p>22 A. THAT'S SIGNIFICANT. THAT TAKES A LOT OF EXTRA</p> <p>23 WORK, EXTRA TIME. SO WHILE THE DIRECT ANSWER TO YOUR</p> <p>24 QUESTION MAY BE YES, THAT DOESN'T MEAN IT'S</p> <p>25 CONTRIBUTABLE TO SB 1.</p>